

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

John C. Churby
Sharon M. Churby
Debtor(s)

Bankruptcy Case No.: 17-22967-JAD
Issued Per Aug. 28, 2018 Proceeding
Chapter: 13
Docket No.: 20 - 2
Concil. Conf.: January 25, 2018 at 11:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated July 11, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jan. 25, 2018 at 11:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: DiTech Financial at Claim No. 3 .
- ☒ H. Additional Terms: The claim of Ally Financial at Claim No. 2 shall govern as to amount, to be paid in full at modified plan terms.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: September 7, 2017

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 John C. Churby
 Sharon M. Churby
 Debtors

Case No. 17-22967-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

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 Total Noticed: 49

Date Rcvd: Sep 07, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 09, 2017.

db/jdb
 cr +John C. Churby, Sharon M. Churby, 7 Mountainside Way, Smithfield, PA 15478-1204
 +Ally Financial, Tucker Arensberg, P.C., c/o Brett A. Solomon, Esquire, 1500 One PPG Place,
 Pittsburgh, Pa 15222-5413
 14663604 AT&T Mobility, P.O. Box 10330, Fort Wayne, IN 46851-0330
 14663600 Allied Interstate, P.O. Box 1954, Southgate, MI 48195-0954
 14663601 +Allied Interstate, P.O. Box 361447, Columbus, OH 43236-1447
 14663605 Atlantic Broadband, 120 Southmont Boulevard, Johnstown, PA 15905-4291
 14663606 +Best Buy Credit Services, P.O. Box 790441, Saint Louis, MO 63179-0441
 14663608 +CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
 (address filed with court: Capital One, c/o TSYS Total Debt Management, P.O. Box 5155,
 Norcross, GA 30091)
 14663607 Cabela's Club Visa/World's Foremost Bank, P.O. Box 82608, Lincoln, NE 68501-2608
 14663609 Capital One Retail Services/Polaris, P.O. Box 30257, Salt Lake City, UT 84130-0257
 14663610 Capital One Retail Services/Yamaha, P.O. Box 30257, Salt Lake City, UT 84130-0257
 14663613 #Central Credit Services, Inc., 20 Corporate Hills Drive, Saint Charles, MO 63301-3749
 14663615 +Credit Protection Association, 13355 Noel Road--Suite 2100, Dallas, TX 75240-6837
 14663616 +DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577
 (address filed with court: Dell Financial Services, Billing Inquiry Department,
 P.O. Box 81577, Austin, TX 78708-1577)
 14663617 DentalFirst Financing/Comenity Bank, P.O. Box 183043, Columbus, OH 43218-3043
 14663620 Encore Receivable Management, Inc., 400 North Rogers Road, P.O. Box 3330,
 Olathe, KS 66063-3330
 14663621 +Enhanced Recovery, P.O. Box 23870, Jacksonville, FL 32241-3870
 14663624 Genpact Services, P.O. Box 1969, Southgate, MI 48195-0969
 14663627 HSN/Comenity Bank, Bankruptcy Department, P.O. Box 183043, Columbus, OH 43218-3043
 14663629 J.B. Robinson Jewelers, Attn: Bankruptcy, P.O. Box 1799, Akron, OH 44309-1799
 14663631 +JH Portfolio Debt Equities, 5230 Las Bergenes Road--Suite 265, Calabasas, CA 91302-3459
 14663630 +Jaffe & Asher, 2041 Springwood Road, York, PA 17403-4836
 14663636 +North Shore Agency, Inc., 270 Spagnoli Road--Suite 110, Melville, NY 11747-3516
 14663640 +Tri-State Dermatology, 2160 Springhill Furnace Road, Smithfield, PA 15478-1428
 14663641 Uniontown Hospital, 500 West Berkeley Street, Uniontown, PA 15401-5596
 14663642 +Verizon, Attn: Bankruptcy, 500 Technology Drive, Weldon Spring, MO 63304-2225

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14663602 E-mail/Text: ally@ebn.phinsolutions.com Sep 08 2017 03:17:29 Ally Financial,
 P.O. Box 130424, Roseville, MN 55113-0004
 14663603 E-mail/PDF: gecsed@recoverycorp.com Sep 08 2017 03:25:11 Amazon.com/Synchrony Bank,
 Attention: Bankruptcy Department, P.O. Box 965060, Orlando, FL 32896-5060
 14663611 +E-mail/Text: bkr@cardworks.com Sep 08 2017 03:17:28 Carson Smithfield, P.O. Box 9216,
 Old Bethpage, NY 11804-9016
 14663612 +E-mail/Text: bankruptcy@cavps.com Sep 08 2017 03:18:15 Cavalry Portfolio Services,
 P.O. Box 520, Valhalla, NY 10595-0520
 14663614 E-mail/PDF: creditonebknotifications@resurgent.com Sep 08 2017 03:25:44 Credit One Bank,
 P.O. Box 98873, Las Vegas, NV 89193-8873
 14663618 E-mail/Text: mrdiscen@discover.com Sep 08 2017 03:17:29 Discover, P.O. Box 30421, 5,
 Salt Lake City, UT 84130-0421
 14666143 E-mail/Text: mrdiscen@discover.com Sep 08 2017 03:17:29 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 14676337 E-mail/Text: bankruptcy.bnc@ditech.com Sep 08 2017 03:17:38
 Ditech Financial LLC fka Green Tree Servicing LLC, P.O. Box 6154,
 Rapid City, South Dakota 57709-6154
 14663619 E-mail/Text: bankruptcy.bnc@ditech.com Sep 08 2017 03:17:38 Ditech Financial, LLC,
 Ditech Bankruptcy Department, P.O. Box 6154, Rapid City, SD 57709-6154
 14663622 +E-mail/Text: bankruptcy@flagshipcredit.com Sep 08 2017 03:18:12 Flagship Credit Acceptance,
 P.O. Box 2070, Coppell, TX 75019-8070
 14663623 +E-mail/Text: bankruptcy@flagshipcredit.com Sep 08 2017 03:18:12 Flagship Credit Acceptance,
 P.O. Box 1419, Chadds Ford, PA 19317-0688
 14663625 +E-mail/Text: bankruptcy@affglo.com Sep 08 2017 03:17:59 Global Credit & Collection Corp.,
 5440 North Cumberland Avenue--Suite 300, Chicago, IL 60656-1486
 14663626 E-mail/PDF: gecsed@recoverycorp.com Sep 08 2017 03:25:37 Home Design/Synchrony Bank,
 Attention: Bankruptcy Department, P.O. Box 965061, Orlando, FL 32896-5061
 14663628 E-mail/PDF: gecsed@recoverycorp.com Sep 08 2017 03:26:07 J C Penney/Synchrony Bank,
 Attn: Bankruptcy Department, P.O. Box 965060, Orlando, FL 32896-5060
 14663633 +E-mail/PDF: resurgentbknotifications@resurgent.com Sep 08 2017 03:26:18 LVNV Funding,
 P.O. Box 10497, Greenville, SC 29603-0497
 14663632 E-mail/PDF: gecsed@recoverycorp.com Sep 08 2017 03:25:12 Lowe's/Synchrony Bank,
 Attn: Bankruptcy Department, P.O. Box 965060, Orlando, FL 32896-5060
 14663634 E-mail/Text: bkr@cardworks.com Sep 08 2017 03:17:28 Merrick Bank, P.O. Box 9201,
 Old Bethpage, NY 11804-9001
 14663635 +E-mail/Text: bankruptcydpt@mcmcg.com Sep 08 2017 03:17:56 Midland Funding,
 2365 Northside Drive--Suite 300, San Diego, CA 92108-2709
 14663637 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 08 2017 03:31:43
 Portfolio Recovery, 120 Corporate Boulevard--Suite 1, Norfolk, VA 23502

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 49

Date Rcvd: Sep 07, 2017

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14664047 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 08 2017 03:43:05
PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14663638 E-mail/PDF: gecsedirecoverycorp.com Sep 08 2017 03:26:07 Rural King/Synchrony Bank,
Attention: Bankruptcy Department, P.O. Box 965061, Orlando, FL 32896-5061
14663639 +E-mail/Text: appebnmailbox@sprint.com Sep 08 2017 03:17:53 Sprint, P.O. Box 8077,
London, KY 40742-8077
14663643 E-mail/PDF: gecsedirecoverycorp.com Sep 08 2017 03:26:08 Walmart/Synchrony Bank,
Attn: Bankruptcy Department, P.O. Box 965060, Orlando, FL 32896-5060

TOTAL: 23

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr DITECH FINANCIAL LLC
cr Ditech Financial LLC
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14669387* Ally Financial, PO Box 130424, Roseville MN 55113-0004

TOTALS: 2, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 09, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 7, 2017 at the address(es) listed below:

Brett A. Solomon on behalf of Creditor Ally Financial bsolomon@tuckerlaw.com,
agilbert@tuckerlaw.com;cabbott@tuckerlaw.com;dparanay@tuckerlaw.com
Daniel R. White on behalf of Joint Debtor Sharon M. Churby dwhite@zeblaw.com,
gianna@zeblaw.com;dwhite.zmw@gmail.com;r63228@notify.bestcase.com
Daniel R. White on behalf of Debtor John C. Churby dwhite@zeblaw.com,
gianna@zeblaw.com;dwhite.zmw@gmail.com;r63228@notify.bestcase.com
James Warmbrodt on behalf of Creditor Ditech Financial LLC bkgrou@kmlawgroup.com
James Warmbrodt on behalf of Creditor DITECH FINANCIAL LLC bkgrou@kmlawgroup.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedwpa.com

TOTAL: 7